

Doc

United States District Court

DISTRICT OF DELAWARE

Ashley Adams,
Plaintiff,

v.

SUBPOENA IN A CIVIL CASE
CASE NUMBER: 04-251 JJFJoEllen Sheldon,
Defendant.TO: MEDICAL RECORDS CUSTODIAN
Ganesh Balu, M.D.
742 South Governors Avenue, Suite 4,
Dover, DE 19904☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):**Any and all medical records, reports, notes, billing information, reports of diagnostic testing, complaints, claims forms, and any other information in your possession or available to you for Ashley Adams, a/k/a Doris Adams, a/k/a Ashley Vickers, a/k/a Doris Vickers, a/k/a Ashley Johnson and a/k/a Doris Johnson, DOB: 8/2/1952 or 8/2/1956.**

PLACE

Casarino, Christman & Shalk, P.A.
800 N. King Street, Suite 200
P.O. Box 1276
Wilmington, Delaware 19899-1276

DATE AND TIME

December 8, 2005
11:00 a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney For Defendant

11/16/05

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Beth H. Christman, Esq.,
Casarino, Christman & Shalk, P.A., 800 N. King Street, Suite 200,
P.O. Box 1276, Wilmington, DE 19899

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

cc: Joseph M. Jachetti, Esq.
Charles S. Cooper, Esq.
Plaintiff's attorneys

PROOF OF SERVICE

SERVED Ganest Balu, M.D.	DATE 11/22/2005 @ 2:58 p.m.	PLACE 742 South Governors Avenue, Suite 4, Dover, DE 19904
Served on (Print Name) Jessica McDonald		Manner receptionist
Served by (Print Name) David W. Phillips		Title Special Process Server

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/25/2005
Date


Signature of Server

P.O. Box 368

Wilmington, DE 19899-0368
Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an office of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in Person, except that subject to the provision of clause (c)(3)(B)(iii) of

this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or:

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties In Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Mary Lemon

From: ded_nefreply@ded.uscourts.gov

Sent: Monday, December 05, 2005 2:25 PM

To: ded_ecf@ded.uscourts.gov

Subject: Activity in Case 1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al "Subpoena Returned Executed"

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was received from Christman, Beth entered on 12/5/2005 at 2:25 PM EST and filed on 12/5/2005

Case Name: Adams v. Chapin Sheldon, et al

Case Number: 1:04-cv-251

Filer:

Document Number: 42

Docket Text:

SUBPOENA Returned Executed as to Medical Records Custodian, Ganesh Balu, M.D. on 11/22/2005 2:58 p.m. (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135027-0]
[a68b70b40050f69c8f2245e688e23e69bac9aa810f6432a2c078bf77ca07a87c44d6
565cbcfcf701605dcd01c052a0a86c156d88eb837b9d17a8cf27cc84d96d]]

1:04-cv-251 Notice will be electronically mailed to:

Beth H. Christman bchristman@casarino.com, mlemon@casarino.com; dlepre@casarino.com

1:04-cv-251 Notice will be delivered by other means to:

Joseph Michael Jachetti
Law Offices of Joseph M. Jachetti
824 Market Street
Suite 805
Wilmington, DE 19801

12/5/2005

Service of Process:

1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al

U.S. District Court

District of Delaware

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Case Name: Adams v. Chapin Sheldon, et al

Case Number: 1:04-cv-251

Filer:

Document Number: 42

Docket Text:

SUBPOENA Returned Executed as to Medical Records Custodian, Ganesh Balu, M.D. on 11/22/2005 2:58 p.m. (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135027-0]
[a68b70b40050f69c8f2245e688e23e69bac9aa810f6432a2c078bf77ca07a87c44d6
565cbcfcf701605dcd01c052a0a86c156d88eb837b9d17a8cf27cc84d96d]]

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Beth H. Christman bchristman@casarino.com, mlemon@casarino.com; dlepre@casarino.com

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United States District Court

DISTRICT OF DELAWARE

Ashley Adams,
Plaintiff,

v.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 04-251 JJF

JoEllen Sheldon,
Defendant.

TO: Records Custodian **Duces Tecum**
Union Hospital
106 Bow Street
Elkton, MD 21921

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE and Time

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any and all medical records, reports, notes, test results, in your possession or available to you for Ashley Adams, a/k/a Doris Adams, sometimes known as Ashley Vickers, Doris Vickers, Ashley Johnson and Doris Johnson; DOB: 8/2/1952 or 8/2/1956.

PLACE

DATE AND TIME

**Casarino, Christman & Shalk, P.A.
Suite 200
800 N. King Street, P.O. Box 1276
Wilmington, Delaware 19899-1276**

**December 7, 2005
10:00 a.m.**

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Both H. Christman, Esq., Casarino, Christman & Shalk, P.A., 800 N. King Street, Suite 200, P.O. Box 1276, Wilmington, DE 19899

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

cc: Joseph M. Jachetti, Esq.
Charles S. Cooper, Esq.
Plaintiff's attorneys

PROOF OF SERVICE

SERVED Union Hospital	DATE 11/18/2005 @ 1:05 p.m.	PLACE 106 Bow Street Elkton, MD 21921
Served on (Print Name) Donna Frick	Manner records custodian	
Served by (Print Name) David W. Phillips	Title Special Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/21/2005

Date

David W. Phillips

Signature of Server

P.O. Box 368

Wilmington, DE 19899-0368

Address of Server

Superior Court Civil Rule 45, Parts C, D & E:**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance,
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or:

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(e) Contempt.

Failure by an person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court.

Mary Lemon

From: ded_nefreply@ded.uscourts.gov

Sent: Monday, December 05, 2005 2:23 PM

To: ded_ecf@ded.uscourts.gov

Subject: Activity in Case 1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al "Subpoena Returned Executed"

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was received from Christman, Beth entered on 12/5/2005 at 2:23 PM EST and filed on 12/5/2005

Case Name: Adams v. Chapin Sheldon, et al

Case Number: 1:04-cv-251

Filer:

Document Number: 41

Docket Text:

SUBPOENA Returned Executed as to Records Custodian, Union Hospital on 11/18/2005 1:05 p.m.
(Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135023-0]
[4fe680f44ce93ebd1a0c1adba90e8c0844ba8eab7145c5dfd59b6dcf8d9040fc5810
64bfacba82129af66c9676dbb6afc9929da5aa5cd74554ad84f7ced3b891]]

1:04-cv-251 Notice will be electronically mailed to:

Beth H. Christman bchristman@casarino.com, mlemon@casarino.com; dlepre@casarino.com

1:04-cv-251 Notice will be delivered by other means to:

Joseph Michael Jachetti
Law Offices of Joseph M. Jachetti
824 Market Street
Suite 805
Wilmington, DE 19801

12/5/2005

Service of Process:

1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al

U.S. District Court

District of Delaware

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Case Number: 1:04-cv-251

Filer:

Document Number: 41

Docket Text:

SUBPOENA Returned Executed as to Records Custodian, Union Hospital on 11/18/2005 1:05 p.m. (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135023-0]
[4fe680f44ce93ebd1a0c1adba90e8c0844ba8eab7145c5dfd59b6dcf8d9040fc5810
64bfacba82129af66c9676dbb6afc9929da5aa5cd74554ad84f7ced3b891]]

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United States District Court
DISTRICT OF DELAWARE

Ashley Adams,
Plaintiff,

v.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 04-251 JJF

JoEllen Sheldon,
Defendant.

TO: Records Custodian Duces Tecum
City Pharmacy of Elkton, Inc.
721 N. Bridge Street
Elkton, MD 21921
(410) 620-3579

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE and Time

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PLACE OF DEPOSITION

DATE AND TIME

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Any and all prescription printout records in your possession or available to you for Ashley Adams, a/k/a Doris Adams, sometimes known as Ashley Vickers, Doris Vickers, Ashley Johnson and Doris Johnson; DOB: 8/2/1952 or 8/2/1956.

PLACE

DATE AND TIME

Casarino, Christman & Shalk, P.A.
Suite 200
800 N. King Street, P.O. Box 1276
Wilmington, Delaware 19899-1276

December 7, 2005
9:00 a.m.

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PREMISES

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Beth H. Christman, Esq., Casarino, Christman & Shalk, P.A., 800 N. King Street, Suite 200, P.O. Box 1276, Wilmington, DE 19899

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

cc: Joseph M. Jachetti, Esq.
Charles S. Cooper, Esq.
Plaintiff's attorneys

PROOF OF SERVICE

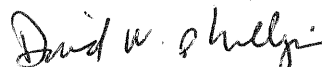
SERVED City Pharmacy of Elkton, Inc.	DATE 11/18/2005 @ 1:14 p.m.	PLACE 721 North Bridge Street, Elkton, MD 21921
Served on (Print Name) Henry Bruno	Manner pharmacist	
Served by (Print Name) David W. Phillips	Title Special Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/21/2005

Date



Signature of Server

P.O. Box 368Wilmington, DE 19899-0368

Address of Server

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(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

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Mary Lemon

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U.S. District Court**District of Delaware**

Notice of Electronic Filing

The following transaction was received from Christman, Beth entered on 12/5/2005 at 2:20 PM EST and filed on 12/5/2005

Case Name: Adams v. Chapin Sheldon, et al
Case Number: 1:04-cv-251
Filer:
Document Number: 40

Docket Text:

SUBPOENA Returned Executed as to Records Custodian, City Pharmacy of Elkton, Inc. on 11/18/2005 1:14 p.m. (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135020-0]
[2e27611f370d16912d05376d704716ef56ca69a984f34e10861b4a01b48482f7e0f0
1fb5b4d731065fdd0eefaf3f975a38b8de4d33a1b5ad2581ef386f52a6d0]]

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Service of Process:

1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al

U.S. District Court

District of Delaware

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Case Number: 1:04-cv-251

Filer:

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Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=12/5/2005] [FileNumber=135020-0]
[2e27611f370d16912d05376d704716ef56ca69a984f34e10861b4a01b48482f7e0f0
1fb5b4d731065fdd0eefaf3f975a38b8de4d33a1b5ad2581ef386f52a6d0]]

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824 Market Street
Suite 805
Wilmington, DE 19801

Doc

United States District Court

DISTRICT OF DELAWARE

Ashley Adams,
Plaintiff,

v.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 04-251 JJF

JoEllen Sheldon,
Defendant.

TO: MEDICAL RECORDS CUSTODIAN
Dr. Hi Sup Sim
319 S. Union Avenue
Havre De Grace, MD 21078

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

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PLACE

DATE AND TIME

**Casarino, Christman & Shalk, P.A.
Suite 200
800 N. King Street, P.O. Box 1276
Wilmington, Delaware 19899-1276**

**December 27, 2005
9:00 a.m.**

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.


PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 , Attorney for defendant

12/5/05

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Beth H. Christman, Esq., Casarino, Christman & Shalk, P.A., 800 N. King Street, Suite 200, P.O. Box 1276, Wilmington, DE 19899

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

cc: Kevin G. Healy, Esq.
Attorneys for Plaintiff

PROOF OF SERVICE

SERVED Dr. Hi Sup Sim	DATE 12/7/2005 @ 3:05 p.m.	PLACE 319 South Union Avenue, Havre De Grace, MD 21078
Served on (Print Name) Sandra Gallion	Manner office manager	
Served by (Print Name) David W. Phillips	Title Special Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12/8/2005

Date

David W. Phillips

Signature of Server

P.O. Box 368

Wilmington, DE 19899-0368

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it::

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an office of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in Person, except that subject to the provision of clause (c)(3)(B)(iii) of

this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or:

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties In Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Service of Process:

1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was received from Christman, Beth entered on 1/11/2006 at 3:25 PM EST and filed on 1/11/2006

Case Name: Adams v. Chapin Sheldon, et al

Case Number: 1:04-cv-251

Filer:

Document Number: 46

Docket Text:

SUBPOENA Returned Executed as to Dr. Hi Sup Sim on 12/7/2005 (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=1/11/2006] [FileNumber=151421-0]
[38c74658fdb780932cbd62ba447c490ad53d8cd10048236b6b89eae23a840f50cb23
dd988a04486943c24393308dd0836b052c814db69110b893e9693c0e4ff1]]

1:04-cv-251 Notice will be electronically mailed to:

Beth H. Christman bchristman@casarino.com, mlemon@casarino.com; dlepre@casarino.com

Kevin G. Healy khealy@morrisjames.com,

1:04-cv-251 Notice will be delivered by other means to:

Mary Lemon

From: ded_nefreply@ded.uscourts.gov

Sent: Wednesday, January 11, 2006 3:25 PM

To: ded_ecf@ded.uscourts.gov

Subject: Activity in Case 1:04-cv-00251-JJF Adams v. Chapin Sheldon, et al "Subpoena Returned Executed"

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

District of Delaware

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[STAMP dcecfStamp_ID=1079733196 [Date=1/11/2006] [FileNumber=151421-0]
[38c74658fdb780932cbd62ba447c490ad53d8cd10048236b6b89eae23a840f50cb23
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Kevin G. Healy khealy@morrisjames.com,

1:04-cv-251 Notice will be delivered by other means to:

1/11/2006

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF _____

Ashley Adams, Plaintiff,

V.

JoEllen Sheldon, Defendant.

SUBPOENA IN A CIVIL CASECase Number:¹ : 04-251 JJF

TO: Dr. Frank J. Falco
100 Becks Woods Drive, Suite 102
Bear, DE. 19701

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any and all medical records, reports, notes, billing information, reports of diagnostic testing, complaints, claims forms, and any other information in your possession or available to you for Ashley Adams, a/k/a Doris Adams, a/k/a Ashley Vickers, a/k/a Doris Vickers, a/k/a Ashley Johnson and a/k/a Doris Johnson, DOB: 8/2/1952 or 8/2/1956.

PLACE

Casarino, Christman & Shalk, P.A., P.O. Box 1276, 800 N. King Street, Suite 200
Wilmington, DE. 19899-1276

DATE AND TIME

12/28/2005 9:00 am

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



12/7/05

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Beth H. Christman, Esq. Attorney for Defendant, P.O. Box 1276, Wilmington, DE 19899-1276, (302)594-4500

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

cc: Kevin Healy, Esq.

PROOF OF SERVICE

SERVED Dr. Frank Falco	DATE 12/12/2005 @ 1:55 p.m.	PLACE 100 Becks Wood Drive, Suite 102, Bear, DE 19701
Served on (Print Name) Robin Mills	Manner receptionist	
Served by (Print Name) David W. Phillips	Title Special Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12/13/2005

Date

David W. Phillips

Signature of Server

P.O. Box 368

Wilmington, DE 19899-0368

Address of Server

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District of Delaware

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Case Name: Adams v. Chapin Sheldon, et al

Case Number: 1:04-cv-251

Filer:

Document Number: 47

Docket Text:

SUBPOENA Returned Executed as to Dr. Frank J. Falco on 12/12/2005 (Christman, Beth)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=1/11/2006] [FileNumber=151427-0]
[5f7bbb5f11ab642ad434b8332aeef08f8baaee39ba5d4a00514d4631ac879bba7445
bd333005abdb5bc849c30448f35e117b62a80b0f72fb3418f9b728b18c08]]

1:04-cv-251 Notice will be electronically mailed to:

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[STAMP dcecfStamp_ID=1079733196 [Date=1/11/2006] [FileNumber=151427-0]
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bd333005abdb5bc849c30448f35e117b62a80b0f72fb3418f9b728b18c08]]

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